



IN REPLY REFER TO:

U-77028
(UT-023)
3809

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

m/003/025

MAY 30 2001

Certified Mail Number 7000 1670 0006 2991 2752
Return Receipt Requested

Mr. William Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, UT 84087

Dear Mr. Bown:

On July 21, 1999 we received your Plan of Operations for quarrying and stockpiling activities on your Brown Ridge #3 placer mining claim located in the SE¼ of Section 20, T. 14 N., R. 16 W., (UMC 353616). Your plan is approved, subject to the following stipulations:

1. To reduce surface/vegetation disturbance, access to and from the quarry area shall be confined to existing routes of travel.
2. All haul trucks, loaders, and other associated vehicles shall stay within the designated quarry area, as outlined in the Plan of Operations. Overnight parking and storage of equipment/materials shall be confined to these areas.
3. To prevent infestation of noxious weeds in the "North" and "Northwest" quarry areas and to reduce the spread of noxious weeds onto or from BLM lands, the operator is required to survey the quarry area access roads for noxious weeds and treat any found before flowering and after the first frost during each year of operation and for five years after the authorized operation ends. The operator must use a herbicide, or combination of herbicides, at application rates which are appropriate to the species found. Herbicide treatments must be conducted by a certified applicator, whose certification will be provided to the BLM. The operator must demonstrate to the BLM that the spraying operation is being carried out and is successful.
4. During final reclamation, the operator is required to reseed all reclaimed areas with live native seed between the period of October 15 and November 30. The operator will be required to use the following seed mixture that was prepared by the Utah Division of Oil, Gas and Mining:

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DIVISION OF
OIL, GAS AND MINING

Common Name	Scientific Name	lbs/acre
Thickspike wheatgrass	<u>Agropyron dasystachum</u>	2.0
Bluebunch wheatgrass	<u>Agropyron spicatum</u>	2.0
Intermediate wheatgrass	<u>Agropyron intermedium</u>	2.0
'Piute' orchard grass	<u>Dactylis glomerata</u>	0.5
Basin wildrye	<u>Elymus cinereus</u>	1.5
Indian ricegrass	<u>Oryzopsis hymenoides</u>	1.5
Ladak alfalfa	<u>Medicago sativa</u>	1.0
Yellow sweetclover	<u>Melilotus officinalis</u>	0.5
Palmer penstemon	<u>Penstemon palmeri</u>	0.5
Small burnet	<u>Sanguisorba minor</u>	1.5
Wyoming big sagebrush	<u>Artemesia tridentata wyomingensis</u>	0.1
Rubber rabbitbrush	<u>Chrysothamnus nauseosus</u>	0.5
Forage kochia	<u>Kochia prostrata</u>	<u>0.5</u>

Total 13.1 lbs/acre

5. The proponent shall affect a minimum of vegetative and soil disturbance consistent with practical quarrying operations.
6. The operator is required to stockpile topsoil with the long axes directed in the prevailing wind to decrease the potential for wind erosion.
7. The proponent is not authorized to store any debris or inoperable equipment on the mining claim.
8. The proponent is required to maintain the site free of trash and refuse during operations and at the termination of project activities.
9. The operator is not authorized to use a pit-type toilet, but must use a portable chemical toilet during operations in the project area.
10. No hazardous material (other than that listed by the operator in the proposed action) shall be stored or disposed of on-site. Petroleum spills of one-half quart or more will be immediately cleaned up and properly disposed of. For larger spills, the operator must contact the Salt Lake Field Office within 24 hours so that BLM hazardous material clean up policies and procedures are complied with.
11. The operator is required to comply with BLM and Box Elder County OHV designations throughout all phases of mining and reclamation activities.
12. Utah Building Stone Supply must comply with all County, State and Federal standards

and regulations.

13. Any proposed activity not authorized by this plan shall not proceed without prior approval of a plan amendment by this office.
14. If cultural or paleontological resources are discovered during the course of milling operations, all work at the point of discovery will cease and the Salt Lake Field Manager will be notified. Surface disturbance within 100 feet of the point of discovery is not authorized until a written notice to proceed is received by the operator from the Salt Lake Field Manager.
15. All operators shall maintain the site, structures and other facilities of the operation in a safe and clean condition during any non-operating periods. The operator will be required, after an extended period of non-operation for other than seasonal operations, to remove all structures, equipment or other facilities and reclaim the site of operations, unless he/she receives permission, in writing from the authorized officer to do otherwise. For the purposes of 43 CFR 3809.3-7, an extended period of non-operation is considered to be one year.
16. Written notification will be provided to the BLM within 30 days of completion of operations and reclamation by the operator.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Salt Lake Field Office, located at 2370 South 2300 West, Salt Lake City, Utah, 84119, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness

of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,

GLENN A. CARPENTER

Glenn A. Carpenter
Field Office Manager

Enclosure

cc: D. Wayne Hedberg; Utah Division of Oil, Gas and Mining